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IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 412

EDGAR RUNDLE,

Petitioner,

v.

STEWART L. UDALL,
Secretary of the Interior,

Respondent.

PETITIONER'S REPLY TO MEMORANDUM FOR THE RESPONDENT IN OPPOSITION AND PETITIONER'S MOTION FOR AN ORDER DIRECTING THE PETITIONS FILED NUNC PRO TUNC, AS OF JULY 20, 1967

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The Petitioner for Certiorari, Edgar Rundle, and Moses Davis, as his attorney of record, prays that an order of this Honorable Court directing his petition for certiorari be filed as of July 20, 1967, and say:

That the certified copies of the records of the United States Court of Appeals for the District of Columbia Circuit had been filed in the office of the Clerk of this Court several days prior to the expiration date, being July 20, 1967, and

that the docketing fee was deposited with the Clerk of this Court.

That the required number of printed petitions were printed by Thiel Press of Washington, and on the 20th day of July, 1967 this attorney for Petitioner appeared in Washington about 1 o'clock in the afternoon on said date to secure the printed petitions and perfect service, issue his certificate, and filed the same with the Clerk of the Court; however, unexpectedly, while in the office of Thiel Press, this attorney suddenly became ill, and a rash appeared on his face and hands, and he felt as if he had a burning sensation all over, that he considered it necessary for his safety to return to Baltimore and see his physician, that for several days prior thereto he had been taking a sulphur drug prescribed by his physician to remedy a sinus infection, and that he was not previously warned to avoid being in the sun, and his illness was caused by this trip and the midday sun, and that on said day it was too late to appear before any Justice of this Court to request an extension of time, and he was advised by his physician to stay at home until the condition improved.

That July 24th was the first day that he would again return to perform his duties.

Granting Petitioner's motion for a nunc pro tunc order extending said time four days (two of which were a weekend) would not prejudicially delay the disposition of this cause, it has not been set for argument, nor would it impede the argument calendar.

Jurisdiction is founded on the General Powers of this Court to see that justice shall prevail, and that no prejudice could result therefrom.

Respectfully submitted,

MOSES DAVIS
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